

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5410 of 2020**

- Rajkumar Yadav S/o Pusauram Yadav aged about 30 years, R/o Kota Para, Gangrel, Post Officer & Police Station-Rudri, Tahsil-Dhamtari, District-Dhamtari, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - The Station House Officer, Police Station Rudri, District-Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Adv.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/09/2020**

1. The matter is heard through video conferencing.
2. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 40/2020 registered at Police Station Rudri, District-Dhamtari (C.G.) for the offence punishable under Sections 376 and 506 of the IPC.
3. As per the prosecution story prosecutrix lodged a report that on 10.07.2020 at about 13:10 O'clock when she was taking a bath, at the same time, after getting a secluded place the applicant came there, remove his clothes and forcefully committed sexual intercourse with the prosecutrix and when she cried the applicant threatened her to life. Based on this offence has been registered against the applicant.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix is a married lady and she is a consenting party. He next submits that the

applicant is in jail since 16.07.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and submits that the offence committed by the applicant is serious in nature; therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 16.07.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**